

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

In the Matter of:

APPLICATION OF THE NEW JERSEY                      Case No. 96-16C  
    & H LIMITED PARTNERSHIP and  
    THE DISTRICT OF COLUMBIA  
    DEPARTMENT OF ADMINISTRATIVE  
    SERVICES

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

Thursday  
June 5, 1997

The above entitled matter came on for hearing,  
pursuant to notice, at 5:30 p.m.

BEFORE:

MAYBELLE TAYLOR BENNETT, Chairperson  
JERRILY R. KRESS, Vice Chair  
HERBERT M. FRANKLIN, Commissioner  
JOHN G. PARSONS, Commissioner

ALSO PRESENT:

STEFANIE BROWN, Office of Zoning  
ALBERTO BASTIDA, Office of Planning  
KENNETH KARKEET, Office of Planning

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CHAIRPERSON BENNETT: Good evening, ladies and gentlemen. My name is Maybelle Taylor Bennett. I'm Chairperson of the Zoning Commission for the District of Columbia. Joining me this evening are Commissioners Franklin, Kress and Parsons. I declare this adjourned hearing reopened.

The case that is the subject of this hearing is Case No. 96-16C, an application of the New Jersey and H Limited Partnership and the District of Columbia Department of Administrative Services. The application requests consolidated review and approval of a planned unit development and related change of zoning from R-4 and C-2-A to C-3-C for lots 190 through 193 in square 623, formerly lot 188, located at the northeast corner of the intersection of New Jersey Avenue and H Street, N.W.

The PUD site contains approximately 161,670 square feet of land. The applicant proposes to construct a mixed use project consisting of commercial office and institutional uses. Notice of today's hearing was published in the *D.C. Register* and the *Washington Times* on April 11, 1997.

This hearing will be conducted in

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1 accordance with the provisions of DCMR 3022. The  
2 order of procedure will be as follows. First,  
3 preliminary matters including the certification of  
4 the maintenance of posting and the identification of  
5 parties. Second, the applicant's case. Third, the  
6 report of the Office of Planning. Fourth, the  
7 report of other agencies. Fifth, the report of  
8 Advisory Neighborhood Commission 2-C. Sixth,  
9 parties and persons in support and seventh, parties  
10 and persons in opposition.

11 The Commission will adhere to this  
12 schedule as strictly as possible. Those presenting  
13 testimony should be brief and non-repetitive. If  
14 you have a prepared statement, please give copies to  
15 staff and orally summarize the highlights only.  
16 Each individual appearing before the Commission must  
17 complete two identification slips and give the to  
18 the reporter before making a statement. If these  
19 guidelines are followed, an adequate record can be  
20 developed in a reasonable length of time.

21 The decision of the Commission in this  
22 contested case must be based exclusively on the  
23 public record. To avoid any appearance to the  
24 contrary, the Commission requests the parties,  
25 counsel, and witnesses not engage the Commission in  
26 conversation during any recess or at the conclusion

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1 of the hearing session. While the intended  
2 conversation may be entirely unrelated to the case  
3 that is before the Commission, other persons may not  
4 recognize that the discussion is not about the case.  
5 The staff will be available to discuss procedural  
6 questions.

7 All individuals who wish to testify and  
8 have not been sworn previously, please rise to take  
9 the oath.

10 (The witnesses were sworn.)

11 CHAIRPERSON BENNETT: Thank you. Let's  
12 get on with preliminary matters, Ms. Brown.

13 MS. BROWN: Good evening, Madam Chair.  
14 This evening we have just received the affidavit of  
15 the maintenance of posting and it appears to be in  
16 order. It'll be labeled Exhibit No. 48.

17 CHAIRPERSON BENNETT: Thank you.

18 MS. BROWN: You also have before you  
19 Exhibits No. 45 through 47. They came in after I  
20 delivered the packages. Exhibit No. 45 is a second  
21 supplemental memorandum from the applicant. Exhibit  
22 46 is the DPW report and Exhibit 47 is a letter of  
23 support. And those are all the preliminary matters  
24 that I have.

25 CHAIRPERSON BENNETT: Thank you, Ms.  
26 Brown.

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1                   As I understand it, we have three  
2 parties in this case: the applicant, New Jersey and  
3 H Limited Partnership, ANC-2C and there was a  
4 request in our folders from Mount Carmel Baptist  
5 Church requesting that they be admitted as parties  
6 to the case. In my judgment, the request is  
7 properly formulated, and I am disposed to allowing  
8 them as parties. Colleagues? Thank you. So Mount  
9 Carmel is now a party.

10                  Why don't we move on then with the  
11 applicant's case. Ms. Kress is mentioning that she  
12 thought we had other requests for party status. I  
13 didn't see any. I know we had one for the next  
14 case. Now, Joshua Group meets at Mount Carmel, and  
15 they expect to be represented by Doctor Albert  
16 Avant. Is Doctor Avant here? You're not Doctor  
17 Avant. Hold on. We're looking for other requests  
18 for parties. Did you want to say something?

19                  MR. KEYS: Yes, ma'am. I'm George Keys.  
20 I'm an attorney. I have represented Mount Carmel on  
21 a number of matters. Mount Carmel submitted a  
22 letter asking to participate, and I think that there  
23 was a certain amount of confusion. They really are  
24 here in support, and they also have a letter  
25 supporting the application, and I think that was the  
26 confusion. It's not party status he was seeking but

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1 the right to come.

2 CHAIRPERSON BENNETT: The last sentence  
3 reads, "For these reasons, Mount Carmel Baptist  
4 Church applies to appear and participate as a  
5 party."

6 MR. KEYS: I understand. I understand.

7 CHAIRPERSON BENNETT: So you just want  
8 to be supportive.

9 MR. KEYS: Correct, and the Chairperson  
10 of the Trustee Board, Ms. Blaylock, Margaret  
11 Blaylock, is also here.

12 CHAIRPERSON BENNETT: Okay. So you're  
13 not requesting party status. You just want to  
14 appear as a person in support. All right. Thank  
15 you.

16 MR. KEYS: Thank you.

17 CHAIRPERSON BENNETT: Let's go to the  
18 next two. Is Center City Community Corporation or  
19 North Capital Neighborhood Development here? Give  
20 us your name, your address, and then tell us what  
21 you want to tell us.

22 MR. NESBITT: My name is Ed Nesbitt,  
23 Executive Director of Center City Community  
24 Corporation, 1190 First Place, N.W. We are one of  
25 the persons who have been with this project from the  
26 very beginning, and we submitted a copy of testimony

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1       that we wanted to give and we wanted to simply just  
2       be in support.

3               CHAIRPERSON BENNETT:   Okay.   So on page  
4       two of your letter where you ask to participate as a  
5       party --

6               MR. NESBITT:   Yes, but I also sent some  
7       additional information including testimony.

8               CHAIRPERSON BENNETT:   All right.   We  
9       have that, but I'm trying to identify parties now so  
10      do you wish to be a party or do you simply wish to  
11      appear in support?

12              MR. NESBITT:   Appear in support.

13              CHAIRPERSON BENNETT:   All right.   Thank  
14      you.

15              North Capital Neighborhood Development,  
16      Inc.   Is North Capital Neighborhood Development,  
17      Inc. here?   All right.   We have received in the  
18      package dated May 7th a letter from them also asking  
19      to appear as a party, and if they are not here, that  
20      request is denied.   So what we have are two parties,  
21      the applicant and ANC-2C.   Is anyone here from ANC-  
22      2C?   Okay.   Let's proceed then with the applicant's  
23      case.

24              MR. GELL:   Madam Chairperson, members of  
25      the Commission, my name is Stephen Gell.   I'm an  
26      attorney representing the New Jersey and H Limited

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1 Partnership in this application for a planned unit  
2 development and zoning modification on the  
3 prevocational school site.

4 CHAIRPERSON BENNETT: Do we not have  
5 about three or four witnesses you'd like to qualify  
6 as experts?

7 MR. GELL: As a matter of fact, we do.  
8 I'd be happy to do that at this point.

9 CHAIRPERSON BENNETT: Well, this  
10 Commission has seen Mr. Peterson before and I  
11 understand you'd like to have him represented as an  
12 expert in traffic and transportation. Is Mr.  
13 Tischler here?

14 MR. GELL: Mr. Paul Tischler is here.  
15 Yes.

16 CHAIRPERSON BENNETT: Okay. Yes, I  
17 recognize him. Mr. Tischler has also been before us  
18 and has been recognized as an expert in economic  
19 consulting.

20 MR. GELL: That's correct.

21 CHAIRPERSON BENNETT: Mr. Hartman, of  
22 course, of Hartman Cox is here.

23 MR. GELL: And Mr. Graham Davidson, as  
24 well.

25 CHAIRPERSON BENNETT: Graham Davidson.  
26 Mr. Hartman is here.

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1 CHAIRPERSON BENNETT: Oh, I thought Mr.  
2 Hartman was here. They have been before us. And  
3 representatives of New Jersey and H Limited  
4 Partnerships are here representing themselves.  
5 You're not asking expert status for them.

6 MR. GELL: That's correct.

7 First, I do want to thank you very much.  
8 I know you had to postpone the last hearing, and I  
9 really appreciate your being able to find the time  
10 for us this soon after the original date.

11 We're asking for a zoning change from C-  
12 2-A and R-4 to C-3-C, something the Commission has  
13 already taken significant steps to accomplish under  
14 Zoning Commission Case No. 96-12Z part 2. We're  
15 also asking for a PUD to build three office  
16 buildings and a day care center on lots 190, 191,  
17 192, and 193 in square 623.

18 With me are Ms. LuAnn L. Bennett,  
19 President of NJH Inc. which is the general partner  
20 for New Jersey and H Limited Partnership, Mr.  
21 Brigman Owens, the Vice President of NJH Inc. and a  
22 limited partner in the partnership, Arthur Monk.  
23 Mr. Monk is not here. And, of course, Mr. Hartman,  
24 Mr. Davidson, Mr. Peterson, and Mr. Tischler.  
25 You've already recognized them.

26 Although we originally asked for an hour

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1 and a half, we took very seriously your request that  
2 we cut down. We are going to try to do everything  
3 on our side within 45 minutes which should leave  
4 enough time for the community and for any questions,  
5 as well.

6 We've made as our application as  
7 identical as possible to the zoning order approved  
8 by the Commission in 1990. The differences are  
9 truly minor, but we believe they strengthen the  
10 proposal. I would point out at this time that when  
11 we made our first application in 1990, the zoning  
12 was C-2-A and R-4. We are asking for C-3-C. In  
13 1994, the Council adopted a comprehensive plan  
14 change to high density commercial for the site in  
15 keeping with their desire to make North Capital  
16 corridor a major office building area.

17 The Zoning Commission has already held a  
18 hearing in order to change the zoning to C-3-C, as  
19 you know. Consequently, we're starting from a much  
20 closer base and, although we're asking for less than  
21 we did in 1990 because of that, we've not changed  
22 our FAR, design, uses or any element of the amenity  
23 package.

24 There are a few changes, and I would  
25 point them out at this point. The most significant  
26 are as follows. First, the single lot 188 has been

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1 subdivided into four lots, 190 through 193. Second,  
2 we have taken advantage of the efficiency of the  
3 arrangement of the loading berths to reduce their  
4 numbers to the minimum required by zoning. Third,  
5 while the previous zoning order called for 614  
6 parking spaces to be provided, we are providing 656  
7 in order to cover the increases which may be  
8 required if we use the flexibility we're seeking to  
9 build an additional office level below ground.

10 Fourth, we have asked for flexibility to  
11 combine Buildings A and C into a single building.  
12 They are now attached anyway, so the change, the  
13 appearance will certainly materially differ. Fifth,  
14 we have also asked for the flexibility to build the  
15 project in as many as three phases. Although it is  
16 our preference to construct the project at one time,  
17 the markets will dictate how and when tenants become  
18 available. Through this and other elements of  
19 flexibility, we want to give this project every  
20 chance to succeed, either by attracting a single  
21 user or a combination of smaller users.

22 The first phase would include the day  
23 care center and at least one of the office  
24 buildings. The second and third office buildings  
25 would be built in one or two phases. We suggest the  
26 order require a building permit for the first phase

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1 to be applied for within two years with an  
2 additional year to begin construction. The time  
3 limit for each succeeding office building should be  
4 two years from the start of construction of the  
5 previous building.

6 At this point, I am pleased to turn the  
7 microphone over to LuAnn L. Bennett, President of  
8 NJH Corporation.

9 MS. BENNETT: Good evening. Madam  
10 Chairperson, Members of the Zoning Commission, thank  
11 you for giving me the opportunity to participate in  
12 this hearing as a member of the New Jersey and H  
13 Street Limited Partnership. As Mr. Gell indicated  
14 in his introduction, my name is LuAnn Bennett. I am  
15 the only new member to the development team. I'm  
16 the President of the corporate general partner, a  
17 position that I now fill in the place of my late  
18 husband, Richard Bennett.

19 Together, Richard and Brig Owens  
20 assembled the group that you'll see before you this  
21 afternoon, created the original PUD, and presented  
22 it to the Zoning Commission in May of 1990. That  
23 PUD was granted by the Zoning Commission in December  
24 of that same year. We believe very strongly in its  
25 benefits to the District, in the positive economic  
26 impact that it will have on the surrounding

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1 neighborhoods, and in the youth that it will work to  
2 educate.

3 All of us are committed to seeing this  
4 project through to completion. I hope that the  
5 series of events that I'm about to describe will  
6 help you understand why the partnership was unable  
7 to move forward within the time allowed under the  
8 previous zoning order.

9 In 1990, Bennett and Owens formed a  
10 limited partnership to compete along with other  
11 developers for the right to lease and develop the  
12 three and a half acre parcel at the corner of New  
13 Jersey and H Streets. Based upon the merit of their  
14 proposal which included a substantial commitment to  
15 the community and a 37.5 percent minority  
16 participation and minority ownership, they were  
17 awarded a 99 year ground lease. The partnership  
18 then created a PUD which expanded those commitments  
19 to include significant participation in the project  
20 by local community groups enhancing the benefits  
21 that this development would bring to the surrounding  
22 neighborhoods.

23 The PUD that was passed required that  
24 the developers break ground for one of the office  
25 buildings, begin construction of the pre-school, and  
26 fund an educational foundation. The severe real

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1 estate recession that began in the early 1990s was  
2 certainly a pivotal event, changing the face of the  
3 real estate market for investors and developers  
4 alike. in spite of its occurrence, however, an  
5 option included in the New Jersey and H Street  
6 ground lease to construct the first of the project's  
7 three buildings for the D.C. Law School would have  
8 allowed the project to begin the first of the  
9 project's three buildings within the time allowed.

10 When the District chose not to exercise  
11 its option due to budgetary considerations, the  
12 developers were left without a tenant at a time when  
13 the real estate market was falling precipitously.  
14 The above difficulties were further compounded by  
15 the fact that during the same time period Bennett  
16 and Owens, through a separate partnership, was  
17 constructing an office building on an expedited  
18 schedule to comply with the lease with the District  
19 of Columbia for space at the corner of North Capital  
20 and H Streets.

21 In 1991, however, the District informed  
22 the developers of its decision not to go forward  
23 with its lease at 800 North Capital. This created a  
24 severe hardship for the developers. They had not  
25 only borrowed significant sums of money but had  
26 substantially completed the building and much of the

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1       tenant space. They were left with an empty building  
2       in a real estate market that was in severe decline.  
3       Ultimately, they were able to save the 800 North  
4       Capital Street project, but not without paying a  
5       tremendous price, both financially and personally.

6                 In 1993, Richard was diagnosed with  
7       leukemia. In the 12 months following his diagnosis,  
8       Richard and I spent our time either in the hospital  
9       where he underwent aggressive chemotherapy or at  
10      home recovering. Anyone who's gone through a  
11      similar experience will understand the shift or  
12      priorities that occurs when one's life is  
13      threatened. Simply stated, the PUD and all other  
14      real estate issues were set aside so that our full  
15      attention could be given to saving his life.

16                In spite of our efforts, Rick lost his  
17      battle with cancer. He died in September of 1994.  
18      After Rick's death, I joined Brig Owens and John  
19      Hauser full time in the real estate side of our  
20      business. We own and operate a number of office  
21      buildings, all located in the District of Columbia,  
22      and have been very active over the years in leasing  
23      space to the federal government.

24                Over the past 12 months, it's become  
25      very clear to us that the real estate market is  
26      showing real signs of improvement. We also have

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1       become aware through our contacts at GSA of  
2       significant requirements that may be coming to  
3       market in the near future. The New Jersey and H  
4       Street property is well located for either public or  
5       private sector use. With its proximity to the U.S.  
6       Capitol, Union Station, and the North Capital and H  
7       Street Corridors. Development at this location  
8       would be extremely beneficial to reviving the  
9       surrounding neighborhood and to continuing to draw  
10      development beyond the MCI Arena, the Washington  
11      Opera, and the new Convention Center.  
12      For these reasons, we have turned our full attention  
13      to positioning this project to compete for future  
14      tenants.

15                       I would like to make one final point.  
16      The decision to present the PUD in as close to its  
17      original form was one that was not made lightly.  
18      Brig and I were fully aware that the District was in  
19      the process of rezoning this property to C-3-C  
20      zoning in order to comply with the District's  
21      comprehensive plan passed in 1994. It was, however,  
22      very important to both of us that the amenity  
23      package and all the commitments made by Rick and he  
24      to the residents in that community remain intact.  
25      They believed, as we do today, that education is a  
26      key to changing lives. The pre-school, the

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1 educational foundation, and the community  
2 participation was their attempt to act on that  
3 belief.

4 Rich isn't here any more but his  
5 commitments are. Tonight we're asking for your help  
6 to help us finish what we began. Thank you.

7 MR. GELL: At this time, Madam  
8 Chairperson, I'd like to ask Mr. Hartman and Mr.  
9 Davidson to come forward. Mr. Hartman and Mr.  
10 Davidson did the original design, and we asked them  
11 to follow through.

12 CHAIRPERSON BENNETT: Ms. Bennett, you  
13 should know that the Commission extends our belated  
14 condolences to you, your family and the partnership.

15 MR. HARTMAN: Good evening.

16 CHAIRPERSON BENNETT: Good evening.

17 MR. HARTMAN: I'm George Hartman from  
18 the firm of Hartman and Cox Architects in  
19 Washington.

20 What I want to do is start immediately  
21 by going into the site map to make sure that we all  
22 understand exactly where this site is. It's shown  
23 in gray. It's superimposed over a real estate map,  
24 but the site is shown in gray. North Capital  
25 Street. This is Massachusetts Avenue, New Jersey  
26 Avenue, and the site is at the corner of New Jersey

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1 and H.

2 The building referred to earlier, 800  
3 North Capital Street, done by the same development  
4 team, same architects, and now occupied by  
5 government agencies, is right here. It's adjacent to  
6 the Government Printing Office and, of course, we  
7 have Gonzaga. We're looking towards North Capital  
8 Street which these light buildings behind are on.

9 The site is important to understand that  
10 we are very close to Metro. That's this red line  
11 going through here. And we're equally distant from  
12 Judiciary Square -- this is the Judiciary Square  
13 Metro stop -- and the Metro stop in Union Station.  
14 This building, of course, is the old Post Office  
15 Building, and the Government Printing Office is  
16 right here. This is a very nice lower part of North  
17 Capital Street, and we'll come back and look at that  
18 again.

19 We're looking at 800 between Government  
20 Printing Office and St. Aloysius Church at Gonzaga.  
21 This shows our complex, New Jersey Avenue, H Street,  
22 800 North Capital Street, Government Printing Office  
23 here, 800 here, St. Aloysius Church here. And what  
24 we're going to do now is look at some slides of the  
25 neighborhood to get a feel for it because it is a  
26 rather special place, and it's an interesting

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1 juxtaposition. The pivotal building for us has  
2 always been this wonderful old Government Printing  
3 Office which inspired 800. 800 is glassier, it has  
4 a much more open pedestrian ground level front than  
5 this does, but obviously our debts to this very  
6 strong industrial building are quite clear.

7 800, the Gonzaga playing field. This is  
8 down I Street. Gonzaga is along here. 800 at this  
9 point. Our site is immediately to the right and  
10 immediately behind us in this slide.

11 Some of the adjacent apartment  
12 buildings, the Government Printing Office, this  
13 apartment building immediately to the north of the  
14 site. This is Gonzaga which goes off to the right.

15 Again, we're seeing the row of Gonzaga  
16 coming up from St. Aloysius, the playing field. This  
17 is our site at the head of the playing field.  
18 Existing apartments and existing Gonzaga school  
19 building.

20 This is a sketch, enlargement of a  
21 sketch that we have here focusing down on the  
22 Capitol. You can see all these cornice lines picked  
23 up from the Government Printing Office and other  
24 buildings making a very strong piece of urbanism  
25 that reinforce and focus the views to the Capitol.  
26 Our site is right here and this is a fairly accurate

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1 reconstruction of looking down to the Capitol.

2 Many of the buildings in this area --  
3 this happens to be the Amico Building -- are  
4 unsympathetic curtain wall buildings and we've  
5 elected not to take our cue from these buildings but  
6 rather from the 800 and Government Printing Office  
7 building.

8 We're going to look now at a series of  
9 plans of this. The site is developed -- here again,  
10 Gonzaga 800. The site is developed to the cluster  
11 of four buildings, three office buildings and a day  
12 care center, and each of these buildings is very  
13 much an independent building. They're very closely  
14 designed in style, as the entire complex is closely  
15 designed to 800. But they each are different and  
16 each is conceived of as an individual building to  
17 further break down the scale.

18 We're looking now at a ground plan.  
19 This is the day care center with its lawn facing the  
20 Gonzaga playing field here. Building A with its  
21 parking entrance from I Street at the north and then  
22 Building B with its parking entrance from I Street.  
23 Notice that each of these buildings has an  
24 individual entrance and core, individual entrance  
25 from New Jersey, individual entrance from H.  
26 Service is all clustered together in a common

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1 service court really between Buildings A and B and  
2 it exits out to H Street.

3 This shows a typical parking level where  
4 each of the buildings houses its own parking. They  
5 are self-contained parking structures. Each has its  
6 own ramp which spreads the burden of the parking as  
7 much around the site as we can.

8 Buildings A and C are the two that we  
9 would like permission to connect to form a single  
10 building should a tenant request it. The sequencing  
11 of the buildings is important because we may start  
12 with either A, B, or C but, in any case, whichever  
13 one we begin with, the day care center will be built  
14 concurrently with that first building.

15 This shows the section of the offices on  
16 top of the parking. This shows the service court in  
17 the middle and the day care facing the playground.  
18 All of the site measuring point is taken from the  
19 middle of New Jersey Avenue 108' at that point.

20 The critical design motifs are taken  
21 from the Printing Office and cornice lines run  
22 through, whether they're from 800 which is taken  
23 from the Printing Office itself, and even though the  
24 site moves up hill, all of these alignments are  
25 maintained. We can also see here one of the  
26 existing apartment buildings immediately to the

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1 north. You can see the Amico Building shown in here  
2 for scale purposes. These are the Gonzaga buildings  
3 between 800 and our H Street building, and here is a  
4 section through one of the Gonzaga buildings, the  
5 day care, and coming back up to the H Street  
6 building.

7 We're going to look at photographs of  
8 the model which is in front of you. You're seeing  
9 it from this side, but it may be a little easier to  
10 look at the photos and then the model because  
11 they're bigger, and I've focused your attention a  
12 bit. We're going to start from up here looking down  
13 at the New Jersey Avenue entrance and then move  
14 around this building in a counterclockwise fashion.  
15 This is the first view. Measuring point is here.  
16 We're looking at New Jersey Avenue and this slide  
17 relates roughly to this sketch and the Capitol would  
18 be here.

19 Again, the measuring point is the ground  
20 sloping down from the north to the south, H Street.  
21 Again, the H Street shown not as a single building  
22 but rather as a group of buildings but with very  
23 strong cornices that pick up the existing heights.  
24 You can just pick up here and on the next slide at  
25 this point the cut that is the alley as we look down  
26 towards 800 and Government Printing Office, H

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1 Street. We're looking down here and now we're  
2 turned and get H Street in elevation. This should  
3 look very much as the model appears to you now with  
4 the service corridor here, the H Street parking exit  
5 and entrance to Building C at this point.

6 We're now coming around and this is  
7 taken from the playing field as opposed to all the  
8 slides I've showed you of the playing field, and the  
9 day care center is clustered here on its lawn  
10 adjacent to the playing field in front of Building  
11 A.

12 The last slide, we've turned the corner  
13 and we're now back up on I Street. The day care  
14 center, Building A and the end of Building B where  
15 it turns back to where we started onto New Jersey  
16 Avenue.

For materials, this is a  
17 detail of the rendering, but we're really using the  
18 same materials that we used on 800. The building is  
19 substantially brick with limestone colored precast.  
20 It has painted aluminum trim spandrels. It has a  
21 limestone base with bronze storefront and entrance  
22 at that base.

23 This is in your kit but it's really a  
24 detail of the building showing what these materials  
25 are as we go through. It's very similar to what we  
26 submitted previously.

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1                   This is the last pair of slides. Again,  
2                   we're looking back at the rendering. The point I  
3                   want to make and what we are intending to recreate  
4                   on New Jersey and H is this is that nice part of  
5                   lower North Capital. The Capitol is behind us but  
6                   the Post Office cornice and these wonderful  
7                   cornices, ours at 800, and these Government Printing  
8                   Office's back here, it has a nice character and we'd  
9                   like to get this to work again. In our case, we'll  
10                  have the Capitol setting up at the end as the sketch  
11                  suggests.

12                 If there are any questions, I'd be glad  
13                 to answer.

14                 CHAIRPERSON BENNETT: We are going to  
15                 wait until all of your presenters have gone.

16                 MR. HARTMAN: Thank you.

17                 CHAIRPERSON BENNETT: Thank you.

18                 MR. GELL: I'd like now to ask Mr. Brig  
19                 Owens to speak. He became partners with Rick  
20                 Bennett about 14 years ago, and he will outline the  
21                 very strong benefit package that this project will  
22                 entail.

23                 MR. OWENS: Good evening. Madam  
24                 Chairperson, Members of the Commission, my name is  
25                 Brig Owens. I'm a partner with Bennett and Owens  
26                 and a partner in the New Jersey and H Street Limited

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1 Partnership.

2 I'd like to talk to you about the  
3 amenities package which we feel is exceptional. The  
4 amenities package is as follows. A 9,800 square  
5 feet day care center/preschool for three to five  
6 year olds with 20,000 square feet of green space  
7 fully equipped for playground use. The partnership  
8 will pay for its construction which will begin with  
9 the first phase of the project. The educational  
10 facility will provide day care, education, and  
11 tutoring services first for the children of the  
12 District residents who live in the neighborhood and  
13 secondarily, to children whose parents work in the  
14 neighborhood.

15 Parenting programs will also be  
16 provided. The education facility will be staffed  
17 with qualified educators and day care providers.  
18 The educational facility will provide space for a  
19 higher achievement program to tutor neighborhood  
20 youth. Through our experience with I Have A Dream,  
21 we feel it is essential to prepare children for  
22 children and life at an earlier stage. The  
23 educational facility will provide use of space to  
24 the community and its senior citizens groups in the  
25 neighborhood.

26 A minority educational foundation will

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1 be established to operate, control and fund all the  
2 activities of the day care center preschool  
3 facility. The foundation will be funded with a  
4 minimum of over \$4 million. It will be established  
5 as a nonprofit District of Columbia entity. There  
6 will be a seven member board of directors which will  
7 include myself, LuAnn Bennett, members appointed by  
8 the local ANC and community groups. The foundation  
9 charter will require that the foundation utilize its  
10 funds to benefit primarily the children of the  
11 residents who live in the neighborhood.

12 Thirty percent of the funds distributed  
13 from cash flow, refinancing, or sales proceeds  
14 generated by the project will go to the Joshua Group  
15 and the H Street Community Development Corporation.  
16 Those funds are to be utilized to provide and  
17 promote housing, education, health care, and  
18 economic development.

19 We'll make our best efforts in working  
20 with the community to use our 26,000 square feet of  
21 retail space for pharmacy/drug store, small  
22 convenience store/grocery store, bank/credit union,  
23 hardware store, book/stationary/computer store,  
24 sandwich shop, cleaners/shoe repair/tailor shop,  
25 optical goods store, film exchange, photographic  
26 studio, and a clothing store.

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1                   We have entered into a memorandum of  
2           understanding with the Minority Business Opportunity  
3           Commission committing ourselves to use our best  
4           efforts to target 35 percent of the contract, both  
5           during the construction and at the completion for  
6           minorities. We will participate in the District's  
7           First Source Employment Program to fill entry level  
8           positions.

9                   We think we have put together a project  
10          that not only has the community involvement, but a  
11          project that provides an educational base for the  
12          youth to stand on and move forward. We have a  
13          strong history of working with the community and  
14          we're committed to continue to do so. Through our  
15          800 North Capital Street Project and I Have A Dream  
16          Program, we adopted 62 students at Terrell Junior  
17          High School and guaranteed them that if they  
18          graduated from high school, we would pay for their  
19          college tuition. We retained a full-time project  
20          coordinator and tutors to provide support and  
21          guidance to these students.               Today, 30 of our  
22          students have just finished their first year of  
23          college. We have seven additional students who will  
24          graduate from high school this year. Fifty percent  
25          of our class is in college and 72 percent of our  
26          students graduated from high school on time. We

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1 have an 80 percent retention rate in the I Have A  
2 Dream Programs. I'm proud to say that we have one  
3 of the highest rates in our national program.

4 We also purchased and donated to Terrell  
5 Junior High School high quality computers, graphic  
6 arts and communication equipment. In addition, we  
7 set up a financial assistance scholarship program at  
8 Gonzaga High School for minority students from the  
9 District of Columbia. We plan to continue this  
10 level of commitment with the prevocational site.

11 I thank you for your time and  
12 consideration.

13 CHAIRPERSON BENNETT: Thank you.

14 MR. GELL: Mr. Stephen Petersen will now  
15 talk about traffic.

16 MR. PETERSEN: Madam Chair, members of  
17 the Commission, for the record, I'm Stephen G.  
18 Petersen, traffic planning and engineering  
19 consultant. I did the original traffic study on  
20 this case when it was presented in 1990 and it was  
21 reviewed by the DPW so, as a first step, I went back  
22 and talked with staff at DPW to determine if they  
23 wanted to make any changes in the approach that we  
24 used at that time.

25 They concurred with the replication of  
26 the prior study which we then proceeded to do and

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1 determined that traffic conditions had not changed  
2 substantially in that particular area of the city,  
3 that the site could be accommodated by the street  
4 system, that the other support transportation  
5 facilities in terms of Metro rail and Metro bus were  
6 still in place and, therefore, found that, as I  
7 said, concluded that the project could be  
8 accommodated. The review of DPW as contained in  
9 their memorandum to you indicates that they concur  
10 in that decision and, therefore, from a traffic  
11 aspect we believe the project can go forward.

12 Thank you.

13 CHAIRPERSON BENNETT: Thank you, Mr.  
14 Petersen.

15 MR. GELL: Thank you very much, and our  
16 last witness will be Paul Tischler of Tischler and  
17 Associates, who will outline the economic impact  
18 regarding jobs, payroll, and taxes.

19 MR. TISCHLER: Good evening, Madam  
20 Chairperson, members of the Commission. We also  
21 updated the previous study, the fiscal impacts of  
22 the proposed project. In brief, the completion of  
23 the project will increase permanent employment for  
24 District residents by 1,870 persons. An estimated  
25 1,091 construction for D.C. residents are also  
26 projected.

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1                   Upon completion, the office buildings  
2                   will generate annual revenues of about \$11.7 million  
3                   to the District on an ongoing basis.

4                   During the two year construction period,  
5                   the city will receive income taxes from construction  
6                   workers estimated at about \$4.4 million, and these  
7                   figures do not include one time fees such as  
8                   building permits. That is the summary of our fiscal  
9                   impact.

10                  CHAIRPERSON BENNETT: Thank you, Mr.  
11                  Tischler.

12                  MR. GELL: Madam Chair, the high points  
13                  of our testimony are that this is conceptually a  
14                  reinstatement of the PUD that was granted in 1990  
15                  and the rezoning. It has graceful and site  
16                  appropriate architecture, an outstanding amenity  
17                  package which has not changed despite the passage of  
18                  time. We have shown that traffic will not be  
19                  substantially affected, and the project will bring  
20                  exceptional employment and economic benefits to the  
21                  District.

22                  That concludes our presentation. Thank  
23                  you.

24                  CHAIRPERSON BENNETT: Thank you, Mr.  
25                  Gell. You did it in half an hour.

26                  Let me ask for the members of your team

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1 to come back to the table so that we can find out if  
2 our colleagues have questions of them. I will start  
3 from my right.

4 COMMISSIONER PARSONS: No questions.

5 CHAIRPERSON BENNETT: No questions.  
6 I'll go to my Vice Chair.

7 COMMISSIONER KRESS: First of all, more  
8 than questions I would just like to make a comment.  
9 I think this is a terrific project, not only  
10 architecturally but also from the amenity point of  
11 view. This is, as far as I've seen, one of the  
12 largest amenity packages being brought forth to us  
13 in the most recent projects we've reviewed, and I  
14 know it's been a hardship to stick by some of those  
15 old amenities as put forth years ago, and I'm just  
16 very, very impressed with that and your willingness  
17 to honor old commitments, shall we say.

18 The amenities is put forth in a couple  
19 of places. They don't disagree. They're just  
20 sometimes a little confusing, and you did reiterate  
21 them. May I assume that the letter dated May 8 is  
22 the best recapitulation of those amenities?

23 MR. GELL: That was a summary of the  
24 amenities.

25 COMMISSIONER KRESS: A point that was  
26 confusing but I believe you bottom lined it there

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1 was the amounts of money and who the participants  
2 are. That was somewhat confusing from some of the  
3 material, but I think I'm pretty clear in summary as  
4 to what the amenities are.

5 MR. GELL: You will find in your package  
6 an amendment to the Joshua Group participation  
7 agreement which does modify the participants, so  
8 some of our earlier documentation actually had a  
9 different set of people but some people were added  
10 to it, so you should use the latest one that we've  
11 given you.

12 CHAIRPERSON BENNETT: For instance, if  
13 this Commission should act affirmatively, what ought  
14 there be placed into the order? I guess that's what  
15 we're looking for. You know what I'm saying? From  
16 what should we draw?

17 MR. GELL: The entire of agreement  
18 including the amendment. Nobody was dropped. We  
19 just added two.

20 COMMISSIONER KRESS: And you have  
21 executed the First Source employment agreement and  
22 the draft memorandum of understanding. All of those  
23 are in place.

24 MR. GELL: Those have been executed.

25 CHAIRPERSON BENNETT: Mr. Franklin,  
26 question?

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1 COMMISSIONER FRANKLIN: I share the  
2 views of Commissioner Kress. I think it's a  
3 magnificent project and my only hope is that it can  
4 be successfully carried off. You have, I think,  
5 posed a terrific challenge in that regard,  
6 particularly with the amenity package. You're  
7 bringing about a million square feet to market.

8 MR. GELL: Over a million.

9 COMMISSIONER FRANKLIN: Over a million.  
10 I take it that this is not going to be something  
11 that if GSA doesn't end up on line is going to be  
12 sitting around. Do your studies show an ability of  
13 that location to absorb over a million square feet  
14 in the absence of GSA's commitment?

15 MS. BENNETT: Mr. Franklin, I'll address  
16 that. We believe that private sector use could  
17 extend to that area. Certainly, with its proximity  
18 to the Capitol and Union Station. As you know,  
19 Jones, Day, Reves and Poe is moving to the Acacia  
20 site. They're taking that whole building, so we see  
21 a strong move toward that, and it's one of the  
22 reasons, as a matter of fact, that we had requested  
23 the flexibility to be able to build this in three  
24 separate phases. Certainly, there aren't many  
25 million square foot users outside of the federal  
26 government, but to be able to accommodate private

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1 users, we felt that if we had the flexibility to  
2 build the buildings one at a time that we certainly  
3 would have that option of being able to accommodate  
4 private sectors users, as well.

5 COMMISSIONER FRANKLIN: I think  
6 certainly you ought to have that flexibility.

7 Now, with respect to the retail usage,  
8 Mr. Hartman described the lower end of North Capital  
9 as a relatively nice area, but my recollection is  
10 that while it looks nice in bird's eye view, it's  
11 not something that one would walk for pleasure along  
12 because there isn't much in terms of, as I recall,  
13 retail amenities there. You're talking about 26,000  
14 square feet. Is that the maximum? When I look at  
15 the first floor plan showing retail on H Street, is  
16 that the entire 26,000?

17 MR. HARTMAN: In effect, that is the  
18 entire H Street frontage that runs along here is  
19 what we're indicating as that. Our experience is  
20 that we can build 100 percent of the usable first  
21 floor and no more, and that's what that does  
22 represent. We're looking actually for a first floor  
23 commercial floor that we don't seem to have our  
24 hands on right now but yes, sir, that's correct, and  
25 the reason it can't be increased is that we can't  
26 make it work on the level change.

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1 COMMISSIONER FRANKLIN: But your plan is  
2 that will be designated for retail.

3 MR. HARTMAN: It is designated.

4 COMMISSIONER FRANKLIN: Okay. Thank  
5 you. I have no further questions.

6 CHAIRPERSON BENNETT: Did the ANC come  
7 in? All right. So there's no cross examination of  
8 the applicant's witnesses. Thank you very much.  
9 Did you want to say something else?

10 MR. GELL: I may at the end.

11 CHAIRPERSON BENNETT: Now let's turn to  
12 the report of the Office of Planning.

13 MR. BASTIDA: Good afternoon, Madam  
14 Chairperson, members of the Commission. For the  
15 record, my name is Alberto Bastida with the D.C.  
16 Office of Planning. The Office of Planning submitted  
17 its report on May 12, and I will not go through the  
18 report since the applicant has done a thorough  
19 presentation and I would be just restating what has  
20 been previously stated. I will go to the  
21 recommendation and read it.

22 The project would replace a vacant lot  
23 with an architecturally significant complex of  
24 buildings that would go toward returning that part  
25 of the city to respectability and produce, setting a  
26 standard for future architecture and economic

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1 development for both sides of North Capital Street  
2 and H Street.

3 The proposal amenities package contains  
4 a strong educational component with a day care  
5 center/nursery school proffering facility and a  
6 minority educational foundation. The potential  
7 impact on residents of the area would be extremely  
8 positive. In addition, monies made available to  
9 community groups out of the net proceeds will fund  
10 housing, education and economic development projects  
11 well into the future.

12 The Office of Planning recommends that  
13 this application be approved. We have submitted  
14 earlier today a report from the Department of Public  
15 Works in which they affirm their previous position  
16 on the project in which they have no objection and  
17 the only recommendation that they make is that the  
18 developer must coordinate all construction, street  
19 escape and design elements within the public space  
20 with the Department of Public Works and assumes that  
21 cost.

22 That concludes my presentation. I will  
23 try to answer any questions you might have. Thank  
24 you.

25 CHAIRPERSON BENNETT: Thank you, Mr.  
26 Bastida. Colleagues, questions of Office of

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1 Planning? None.

2 COMMISSIONER KRESS: I'm sorry. I would  
3 note for the record, did you mention the Public  
4 Works report?

5 MR. BASTIDA: Yes, I just did.

6 COMMISSIONER KRESS: Sorry. I was just  
7 talking and wanted to make sure it was on the  
8 record. Thank you.

9 CHAIRPERSON BENNETT: All right. Cross  
10 examination of the Office of Planning.

11 MR. GELL: I decline.

12 CHAIRPERSON BENNETT: I bet you do. All  
13 right. I assume the Advisory Neighborhood  
14 Commission has not come in. Then why don't we move  
15 on to persons in support and we'll first call Mount  
16 Carmel Baptist Church. Is there a representative  
17 from Mount Carmel? Ms. Blaylock, come on right on  
18 up.

19 MS. BLAYLOCK: Good evening. I'm  
20 Margaret Blaylock from Mount Carmel Baptist Church.  
21 The Joshua Group wishes to go on record as  
22 supporting the application of the New Jersey and H  
23 Limited Partnership for the PUD and zoning  
24 modification on land leased from the District  
25 government as New Jersey and H Streets. We have  
26 been impressed with the design of the project as

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1 well as the amenities promised by the developer.  
2 The proposed office buildings will continue the  
3 superb architecture of 800 North Capital Street  
4 along H Street and on New Jersey Avenue.

5 Our community is surely in need of jobs,  
6 education, housing and social amenities. Not only  
7 will the project create employment but, through the  
8 participation agreement with the Joshua Group, 15  
9 percent of the net profits of the project will be  
10 diverted to housing and educational programs which  
11 will benefit the residents of the neighborhood.

12 In addition to our call for more  
13 shopping in the area, the developer has dedicated  
14 26,000 square feet of space to retail uses. We hope  
15 that the Zoning Commission will approve this PUD and  
16 rezoning without delay. Thank you very much.

17 CHAIRPERSON BENNETT: Thank you. Ms.  
18 Blaylock, you were representing Joshua Group?

19 MS. BLAYLOCK: Mount Carmel Baptist  
20 Church.

21 CHAIRPERSON BENNETT: Mount Carmel  
22 Baptist Church.

23 MS. BLAYLOCK: Yes. We are part of the  
24 Joshua Group.

25 CHAIRPERSON BENNETT: Hold on. Let's  
26 find out if anyone has some questions.

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1 MS. BLAYLOCK: Oh, okay.

2 CHAIRPERSON BENNETT: Colleagues,  
3 questions of Ms. Blaylock? All right. Thank you.

4 Has anyone come in from North Capital  
5 Neighborhood Development? All right.

6 Center City Community Corporation, Mr.  
7 Nesbitt.

8 MR. NESBITT: Madam Chairperson, my name  
9 is Edward Nesbitt, Executive Director of Center City  
10 Community Corporation. This is a 31 year community  
11 owned and operated social service agency whose  
12 target area includes the applicant's site. We have  
13 been in this process from the very beginning, and we  
14 believed then and now the design of the project will  
15 enhance rather than overshadow the existing  
16 community.

17 We also believe the community benefits  
18 promised by the developer would enable the community  
19 to realize many of the dreams of employment,  
20 shopping, day care, meeting space and funds to  
21 promote positive efforts in housing, education and  
22 health care. The establishment of the Minority  
23 Education Foundation with the substantial level of  
24 funding will give youngsters a hand up the education  
25 ladder.

26 As a member of the Joshua Group and as

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1 an independent organization, Center City urges the  
2 Commission to approve the application as presented.  
3 Thank you.

4 CHAIRPERSON BENNETT: Thank you.  
5 Colleagues, questions of Mr. Nesbitt? I take it the  
6 applicant does not wish to cross examine.

7 Are there any other persons who wish to  
8 testify this evening? I did not record any persons  
9 in opposition.

10 All right. Mr. Gell, are you ready with  
11 your closing remarks?

12 MR. GELL: Yes, Madam Chairperson. I  
13 would begin by saying that the Advisory Neighborhood  
14 Commission I believe has submitted something for the  
15 record, a letter. I know Mr. Lawrence Thomas has  
16 spoken very highly in favor of the project, so the  
17 ANC has indeed been heard from.

18 We've made, I believe, a very strong  
19 case for this PUD and rezoning. We've satisfied the  
20 design, traffic, economic, and public benefits  
21 requirements for a planned unit development and  
22 rezoning. We've taken a number of steps in order to  
23 speed the process so that we could be prepared to  
24 respond to potential tenants who we are told will  
25 soon be entering the market place for a site the  
26 size of this one. We're gratified by the full

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1 support of the Neighborhood and its organizations.

2 In view of the fact that there has been  
3 no opposition and we have such a strong package, we  
4 would at this time ask for a bench decision, and I  
5 do thank you very much for your time.

6 CHAIRPERSON BENNETT: Thank you.  
7 Colleagues, are we ready for a bench?

8 COMMISSIONER FRANKLIN: I am, Madam  
9 Chair.

10 COMMISSIONER KRESS: Again, I don't know  
11 if it was mentioned, but we do have a letter in the  
12 record from Jack Evans.

13 CHAIRPERSON BENNETT: Yes, we do.

14 COMMISSIONER KRESS: Also in support.

15 CHAIRPERSON BENNETT: Mr. Parsons, are  
16 you ready for a bench decision?

17 COMMISSIONER PARSONS: I think we're all  
18 anxious to make such a motion.

19 CHAIRPERSON BENNETT: Well, let me hear  
20 one. Give me a motion.

21 COMMISSIONER PARSONS: This project has  
22 gotten better, I think.

23 CHAIRPERSON BENNETT: I think so, too.

24 COMMISSIONER PARSONS: It has matured  
25 and there isn't anything we should do to stand in  
26 its way, and let's get on with it. So who wants the

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1 honor of making a motion to approve this  
2 application? So moved.

3 COMMISSIONER FRANKLIN: Second.

4 CHAIRPERSON BENNETT: We've had a motion  
5 and a second. Can we discuss conditions because we  
6 are taking proposed action. I'll get us started.  
7 It would seem to me that the recommendations made by  
8 the Department of Public Works that all  
9 construction, streetscape and design elements that  
10 take place within public space ought to be  
11 coordinated with them. We have the letter dated  
12 June 2nd to which were attached the amenities  
13 package that I think Mr. Owens was reading from  
14 and, if that's the latest, then that ought to be  
15 incorporated, I believe, in the conditions.

16 The applicant mentioned that they wanted  
17 some phasing flexibility and they outlined that.  
18 The ability to combine Buildings A and C to the  
19 extent that there was a request by tenants to do  
20 that, that nevertheless the day care center would be  
21 built together with the first phase. There was an  
22 increase in parking from 614 spaces to 656. There  
23 were some changes in the loading berth  
24 configuration, as I recall and, of course, one of  
25 the differences that was outlined from the previous  
26 PUD to now is that we're now looking at four lots,

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1       lots #190 through 193 instead of the single lot  
2       #188.

3                   Colleagues, can you think of anything  
4       else that ought to be noted in the conditions  
5       outside of what we would normally incorporate?

6                   COMMISSIONER KRESS: I would say  
7       normally the agreements that have been arrived at  
8       and the documents they've submitted --

9                   CHAIRPERSON BENNETT: That's right.

10                  COMMISSIONER KRESS: -- those are always  
11       referenced.

12                  CHAIRPERSON BENNETT: That's right.

13                  COMMISSIONER PARSONS: Mr. Gell in his  
14       opening remarks was talking about a two year  
15       sequence. The building would proceed. I can not  
16       repeat it but I think that ought to be incorporated  
17       in there. I'm sure he's written that somewhere. Do  
18       you remember that sequence of start after finish f  
19       the first building and then the second would start.

20                  COMMISSIONER KRESS: Could we not ask,  
21       as we often do, for findings of fact, conclusions of  
22       law, and often a draft --

23                  CHAIRPERSON BENNETT: Would you happen  
24       to have a copy of findings of fact and conclusions  
25       of law in your hip pocket?

26                  COMMISSIONER KRESS: But what I'm saying

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1 is we can pass as a bench decision and in the final  
2 decision allow them to submit detailed information  
3 that might compose the order.

4 CHAIRPERSON BENNETT: I think that's a  
5 good idea.

6 COMMISSIONER FRANKLIN: I think that's  
7 the way to proceed and the Office of Planning's  
8 memorandum does list amenities and public benefits.  
9 They're very general, but they ought not be  
10 overlooked in terms of the ultimate conditions. I  
11 do think that while I don't want to put them into a  
12 straight jacket that I would hate to see that retail  
13 space go for office use or some other non-retail  
14 purpose. I know that there's been some suggestion  
15 that they're committed to the community for that and  
16 that may be embodied in one of those agreements, but  
17 I'd like to make sure that it's embodied somewhere.

18 COMMISSIONER KRESS: It is mentioned in  
19 several of the letters. I mean I think all of the  
20 information is here. My concern is is that they  
21 perhaps are the best ones to articulate it and let  
22 us make sure it includes everything.

23 COMMISSIONER FRANKLIN: I'm sure Mr.  
24 Gell will be faithful to the terms of all of these  
25 provisions.

26 COMMISSIONER KRESS: That retail

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1 specifically is mentioned in the May 8, '97 letter.

2 COMMISSIONER FRANKLIN: Just want to  
3 make sure it's in there.

4 CHAIRPERSON BENNETT: All right. Okay.  
5 So if we don't feel we need give staff any further  
6 guidance vis à vis the conditions, I'll call the  
7 question. All those in favor sign by aye.

8 (Ayes)

9 CHAIRPERSON BENNETT: Opposed.  
10 Abstentions. The ayes have it.

11 MS. BROWN: Staff will record the vote  
12 as four to zero to approve the application.

13 CHAIRPERSON BENNETT: Now, colleagues,  
14 what we have done is to take proposed action and I  
15 want to thank you for your testimony and assistance  
16 in this hearing. The parties in this case are  
17 invited to submit proposed findings of fact and  
18 conclusions of law. Any person who submits proposed  
19 findings and conclusions should do so by June 27,  
20 1997.

21 Parties are reminded that their findings  
22 of fact should not include findings stating how  
23 witnesses testified. The findings should be those  
24 findings the parties believe the Commission should  
25 make based upon the testimony and other evidence in  
26 the record. Citations to exhibits and the

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1 transcript are appropriate and encouraged. To  
2 assist parties in the preparation of these findings  
3 of fact and conclusions of law, a copy of the  
4 hearing transcript will be available for review in  
5 the Office of Zoning in about two weeks. Copies of  
6 the transcript may also be purchased from the  
7 recording firm.

8               When the transcript is received, the  
9 Office of Zoning will contact the parties. After  
10 the record is closed, the Commission will make a  
11 decision on this case at one of its regular monthly  
12 meetings. These meetings are generally held at 1:30  
13 p.m. on the second Monday of each month and are open  
14 to the public. Any person who is interested in  
15 following this case further may contact the staff to  
16 determine whether this case is on the agenda of a  
17 particular meeting.

18              You should also be aware that if the  
19 Commission proposes to approve the application --  
20 and we did -- since we have -- the proposed decision  
21 must be referred to the National Capital Planning  
22 Commission for federal impact review. The Zoning  
23 Commission will take final action at a public  
24 meeting following receipt of the NCPC comments after  
25 which a written order will be published, and I  
26 declare this hearing closed.

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1                   (Whereupon, the proceedings went off the  
2       record at 6:38 p.m.)  
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